IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

DEBRA MOORE,)
Plaintiff,) Case No. 4:04CV00062
V.)) <u>ORDER</u>
JO ANNE B. BARNHART,)) Dru Ingleson I. Vison
Commissioner of Social Security, Defendant.) By: Jackson L. Kiser) Senior United States District Judge
Detendant.)

Before me is the Report and Recommendation of the United States Magistrate Judge recommending reversal of the Commissioner's final decision denying the Plaintiff's claim for benefits. The Defendant filed objections to the Report and Recommendation. I reviewed the Magistrate Judge's Report and Recommendation, the Defendant's objections, the Plaintiff's response and relevant portions of the Record. The matter is now ripe for decision. For the reasons stated in the accompanying Memorandum Opinion, I REJECT the Magistrate Judge's recommendation and SUSTAIN the Defendant's objections. The Commissioner's final decision denying the Plaintiff's claim for benefits is ADOPTED.

The Clerk is hereby instructed to strike this matter and any outstanding motions from the Court's docket. The Clerk is further directed to send a copy of this Order and the accompanying Memorandum Opinion to the Magistrate Judge and all counsel of record.

Entered this 28th day of October, 2005.

s/ Jackson L. KiserSenior United States District Judge